

PUBLIC NOTICE

US Army Corps of Engineers New York District Jacob K. Javits Federal Building New York, N.Y. 10278-0090 ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: NAN-2007-01448-EJE

Issue Date: September 12, 2008 Expiration Date: October 12, 2008

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT:

New York City Economic Development Corporation

110 William Street New York, NY 10038

ACTIVITY:

Waterfront development

WATERWAY:

East River

LOCATION:

Battery Maritime Building to Pier 35, Borough of Manhattan, New York County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the

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permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act (Public Law 104-267), requires all Federal agencies to consult with the National Oceanic and Atmospheric Administration Fisheries Service (NOAA/FS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species as a result of a temporary increase in turbidity during construction. However, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occurs. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, One Commerce Plaza, 99 Washington Avenue, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

New York State Department of Environmental Conservation

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8420 and ask for Stacey M. Jensen.

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For more information on New York District Corps of Engineers programs, visit our website at http://www.nan.usace.army.mil

Richard L Tomer Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, New York City Economic Development Corporation, has requested Department of the Army authorization for the construction of the East River Waterfront Esplanade and Piers Project in the East River, from the Battery Maritime Building to Pier 35, Borough of Manhattan, New York County, New York.

The work would involve:

The Archipelago: Proposed construction of an 1100-foot long by 15-foot wide pile-supported walkway with planted areas. Proposed total overwater coverage would be 30,300 square feet, with 13,880 square feet for the planted areas. The walkway would be extended into the water approximately 43 feet, and be supported by approximately 135 piles.

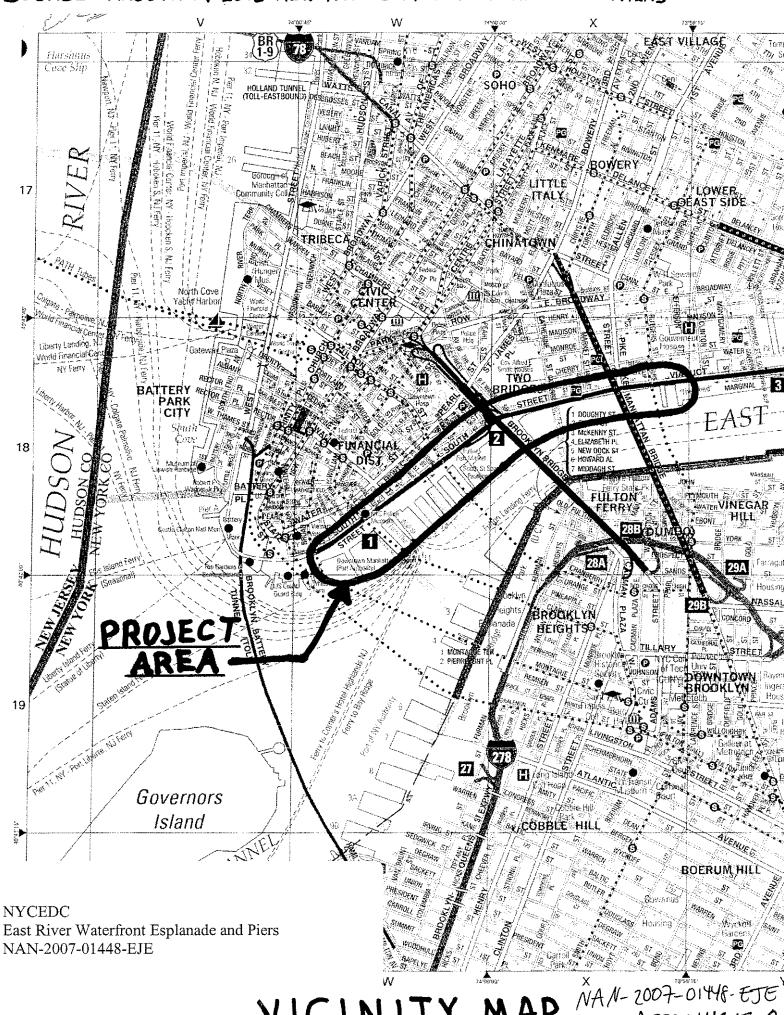
Step-Downs: Proposed construction of a new bulkhead, landward of the existing bulkhead, at these locations within the project area (Maiden Lane, Peck Slip, Rutgers Slip), and replacement of existing bulkhead with steps down to the water. The steps would be carved into the bulkhead line, a new bulkhead would be built on the landward side of the existing bulkhead, the existing bulkhead would then be removed, and steps would be placed down to the water.

Pier 14: Proposed Pier 14 demolition would occur, removing a total of 37,360 square feet of open water coverage and approximately 700 piles.

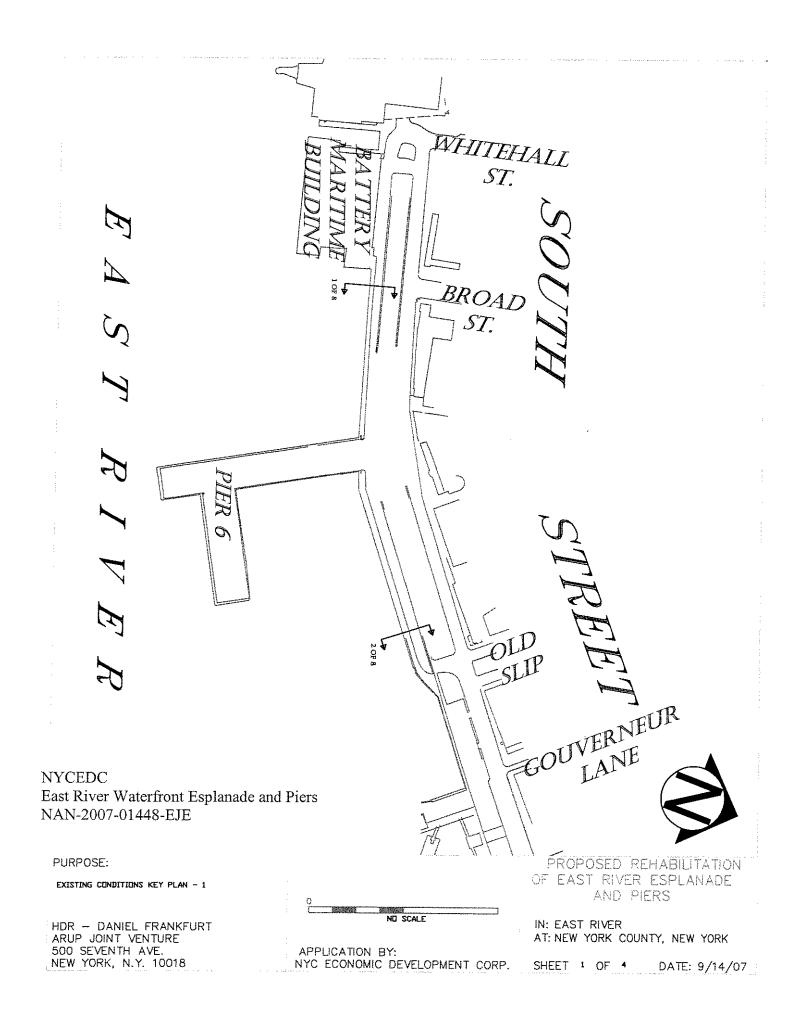
Pier 15: Proposed reconstruction of Pier 15, which was demolished in 2003, as a two-level pile-supported concrete deck with an over-water area of 514 feet by 80 feet. The lower level of the pier would have a deck area of approximately 31,425 square feet, or 39,185 square feet including the construction of the apron areas. Activities at Pier 15 would also include the docking and mooring of historic and commercial vessels, maritime education, and public access.

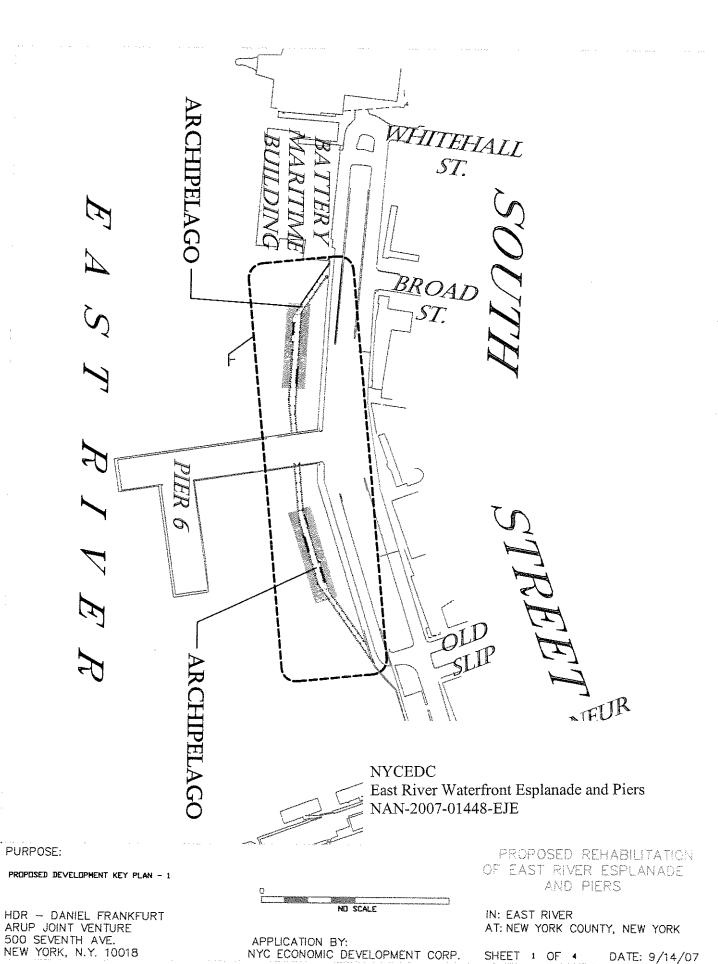
Pier 35: Proposed structural modification of the pier to support a two-story structure atop the deck. A small cut-out would be made within the deck, approximately 2,100 square feet, to be replaced with a planted area.

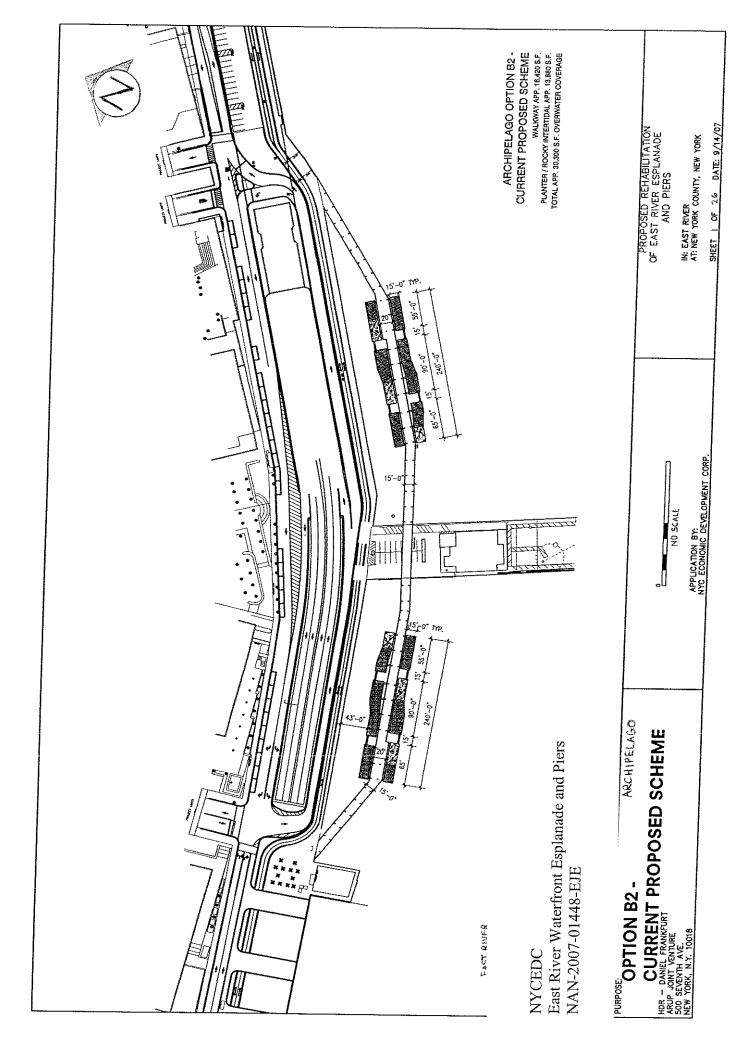
The stated purpose of this project is to provide waterfront development for safe recreational use.

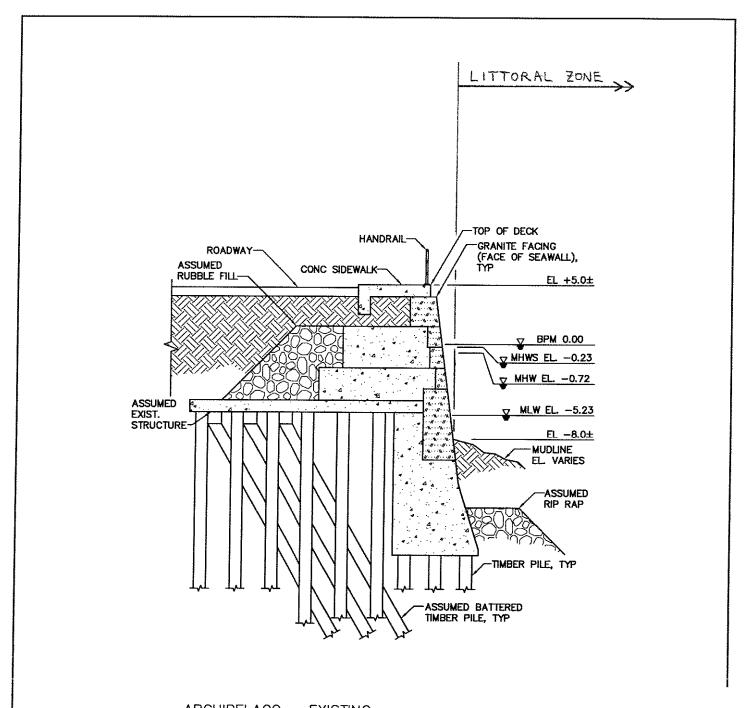


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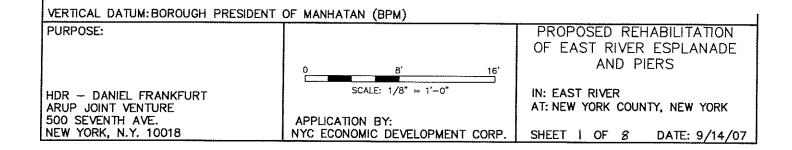


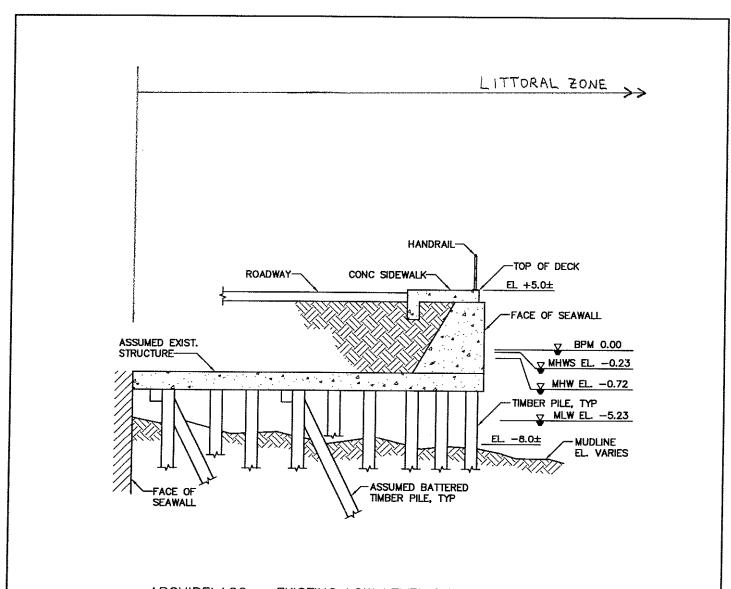
ARCHIPELAGO - EXISTING

1/8" = 1'-0

NYCEDC

East River Waterfront Esplanade and Piers
NAN-2007-01448-EJE

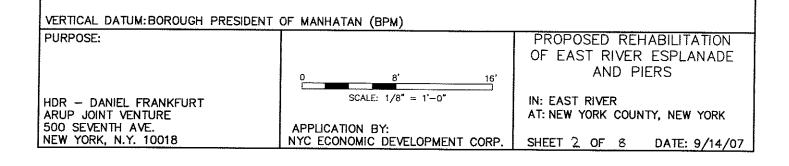


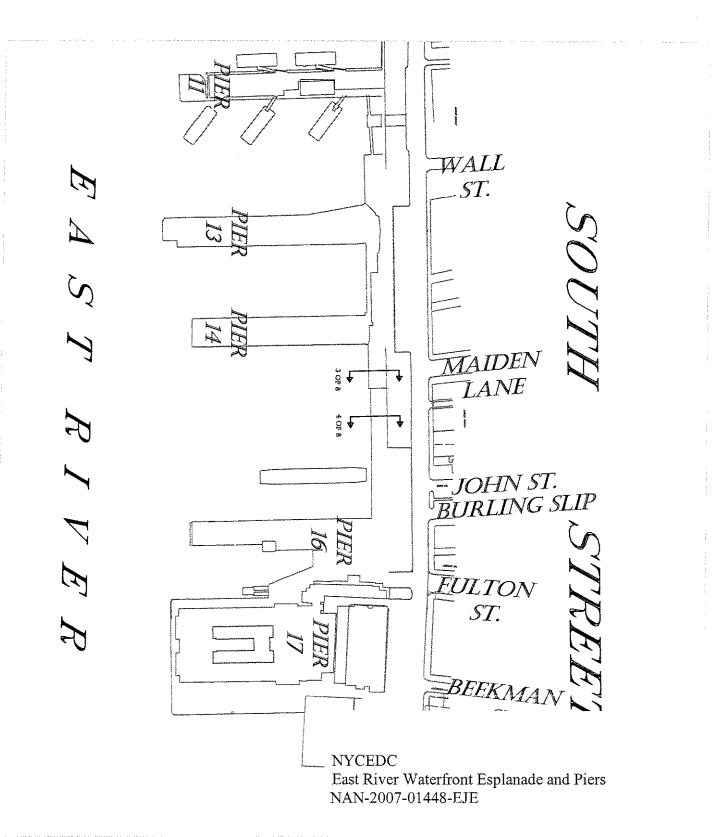


ARCHIPELAGO - EXISTING LOW LEVEL RELIEVING PLATFORM

1/8" = 1'-0"

NYCEDC East River Waterfront Esplanade and Piers NAN-2007-01448-EJE





PURPOSE:

EXISTING CONDITIONS KEY PLAN - 2

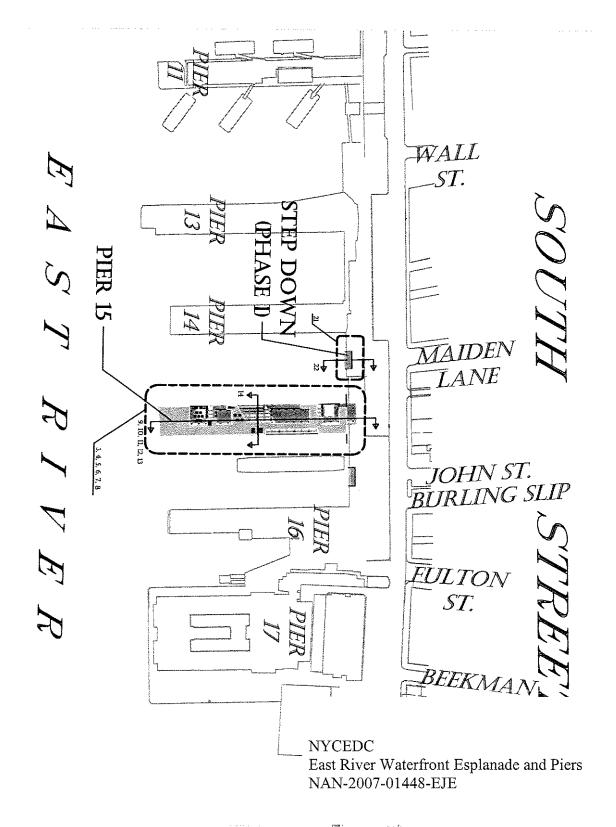
HDR — DANIEL FRANKFURT ARUP JOINT VENTURE 500 SEVENTH AVE. NEW YORK, N.Y. 10018



APPLICATION BY: NYC ECONOMIC DEVELOPMENT CORP. PROPOSED REHABILITATION OF EAST RIVER ESPLANADE AND PIERS

IN: EAST RIVER AT: NEW YORK COUNTY, NEW YORK

SHEET 2 OF 4 DATE: 9/14/07



PURPOSE:

PROPOSED DEVELOPMENT KEY PLAN - 2

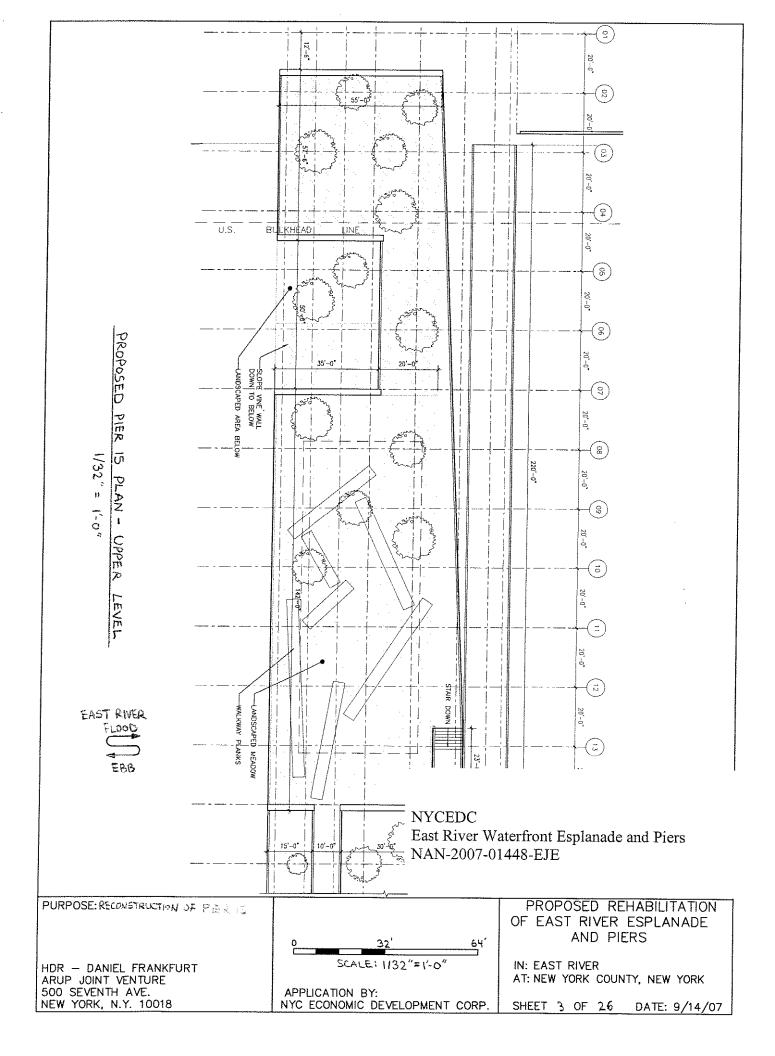
HDR - DANIEL FRANKFURT ARUP JOINT VENTURE 500 SEVENTH AVE. NEW YORK, N.Y. 10018 ND SCALE

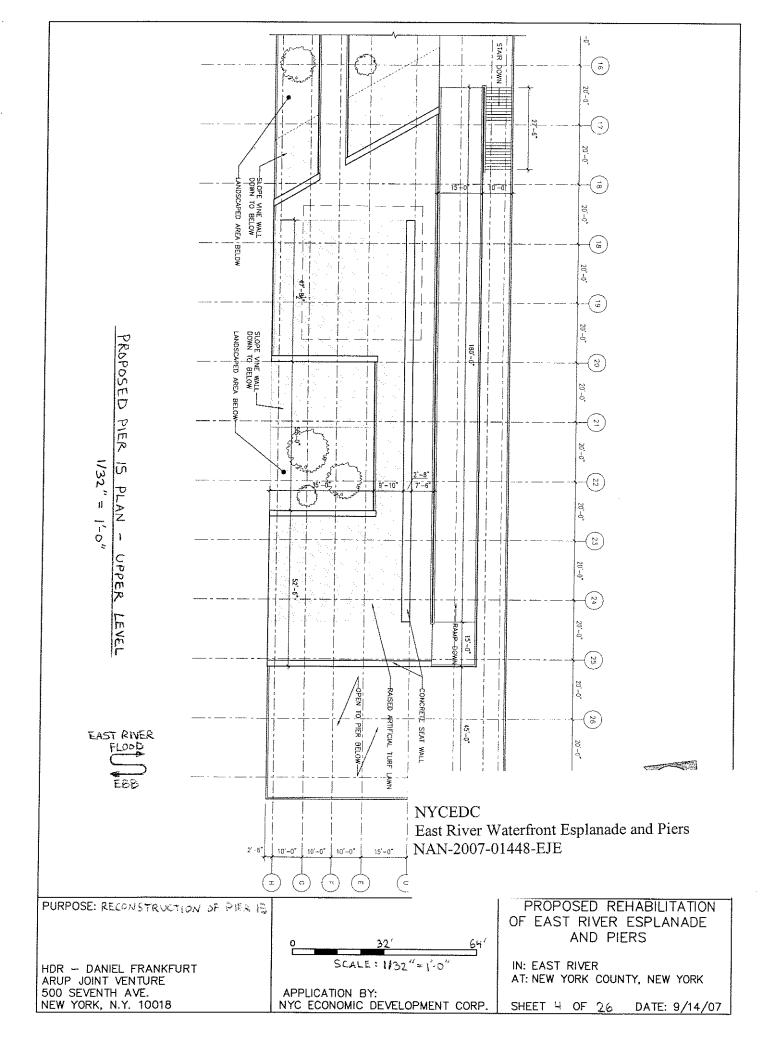
APPLICATION BY:
NYC ECONOMIC DEVELOPMENT CORP.

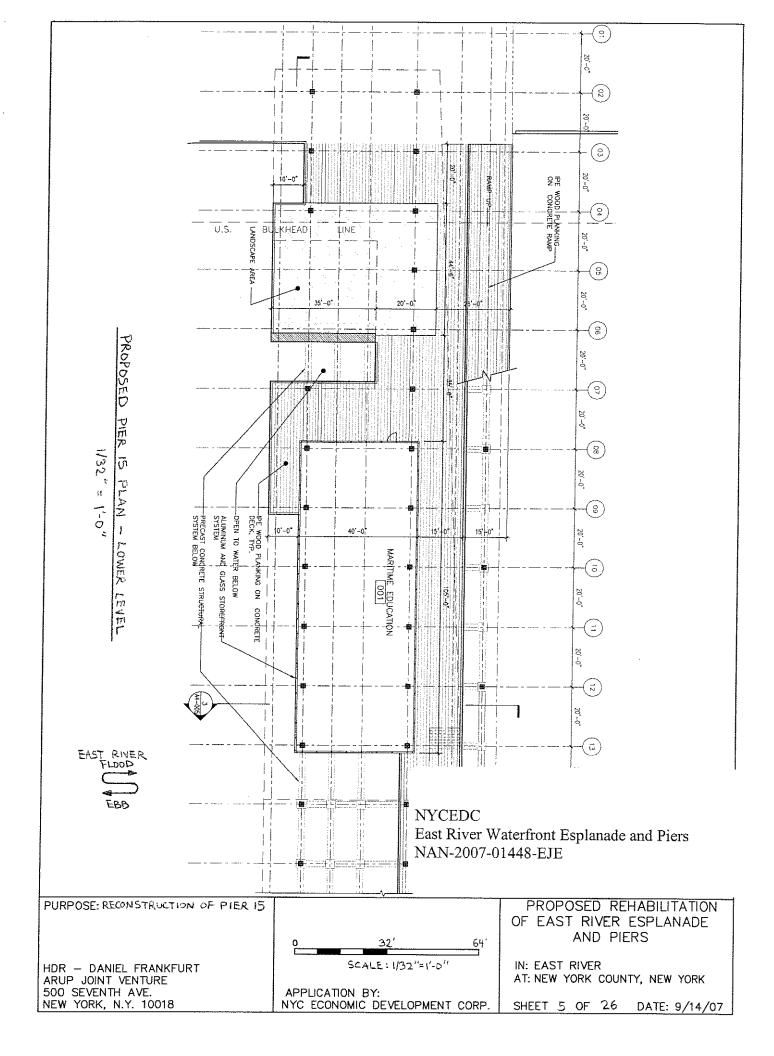
PRÓPOSED REHÁBILITATION OF EAST RIVER ESPLANADE AND PIERS

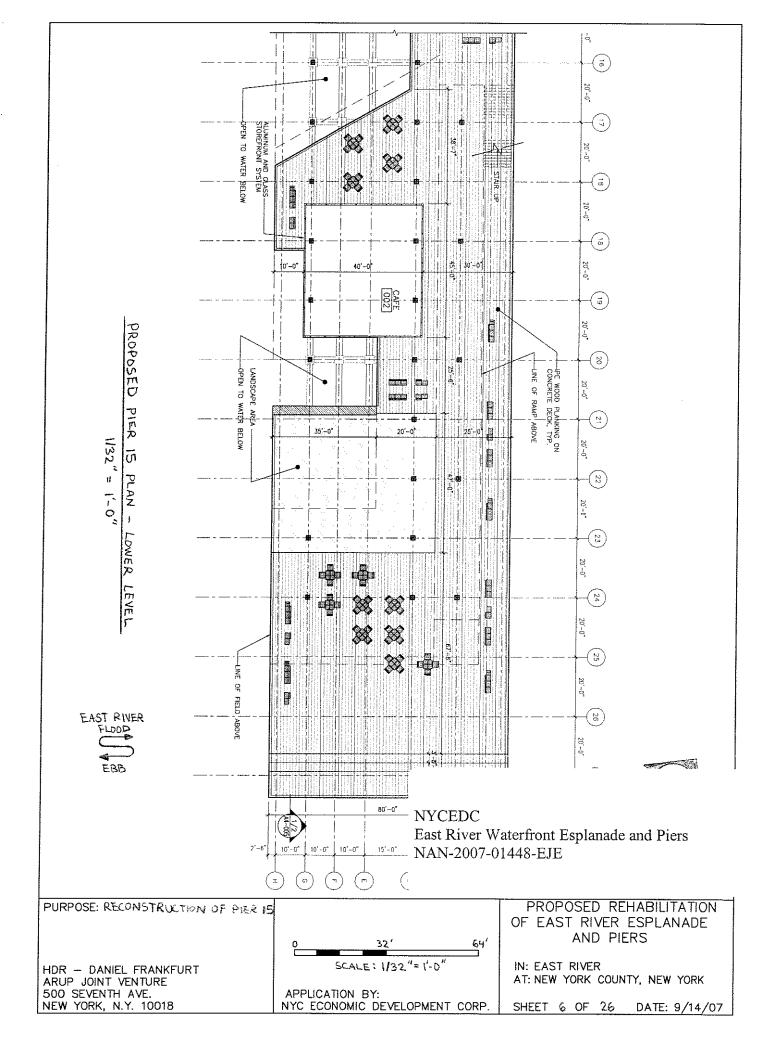
IN: EAST RIVER AT: NEW YORK COUNTY, NEW YORK

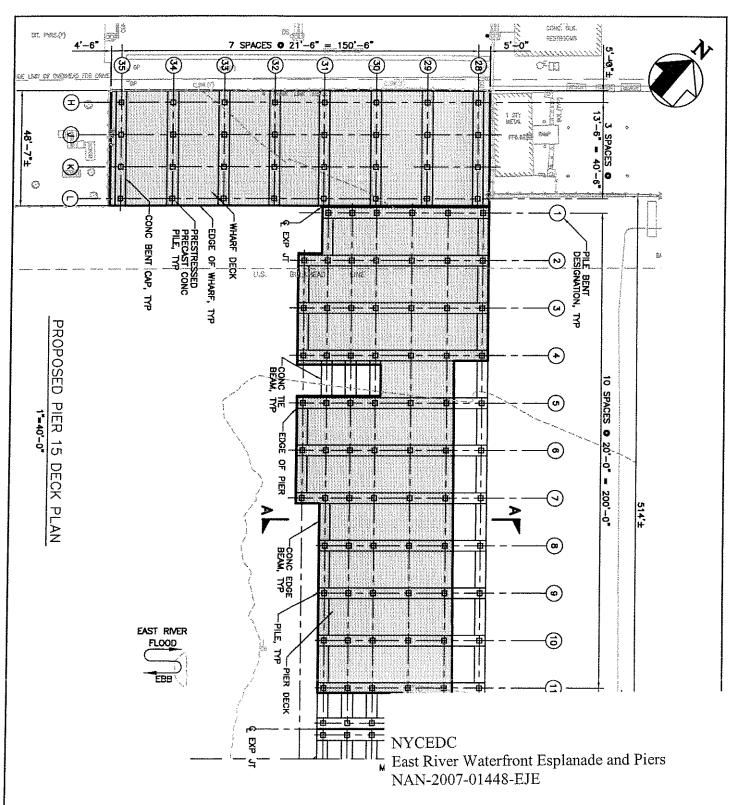
SHEET 2 OF 4 DATE: 9/14/07



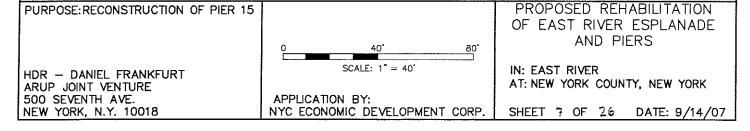


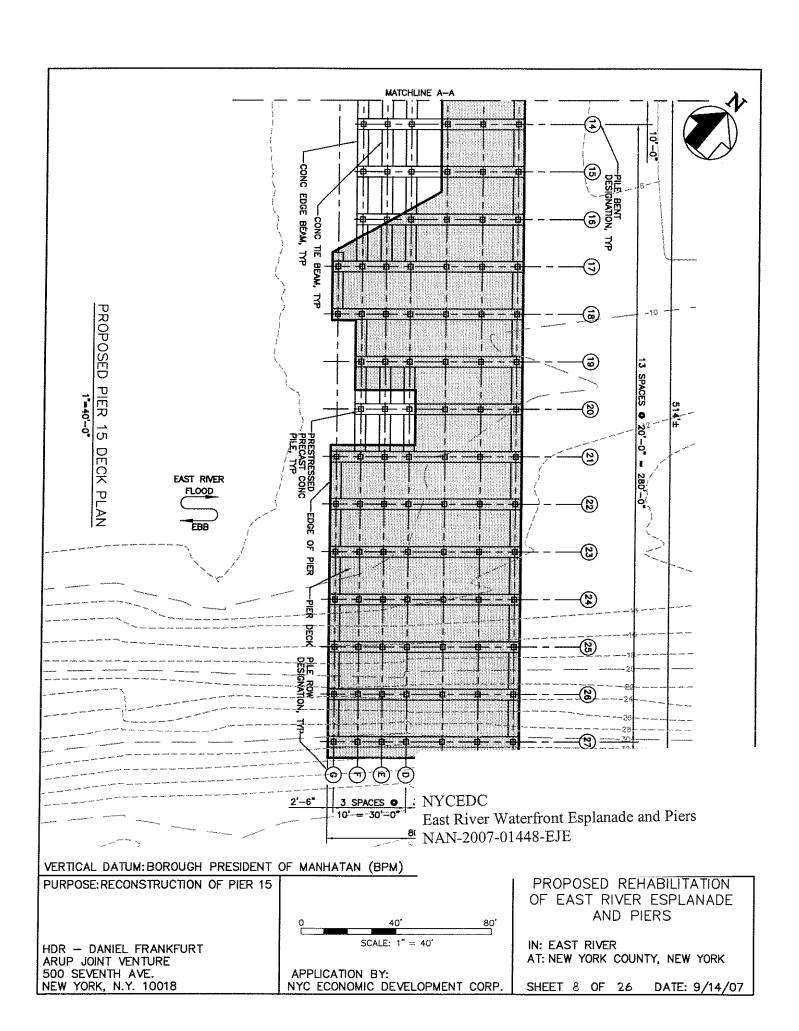


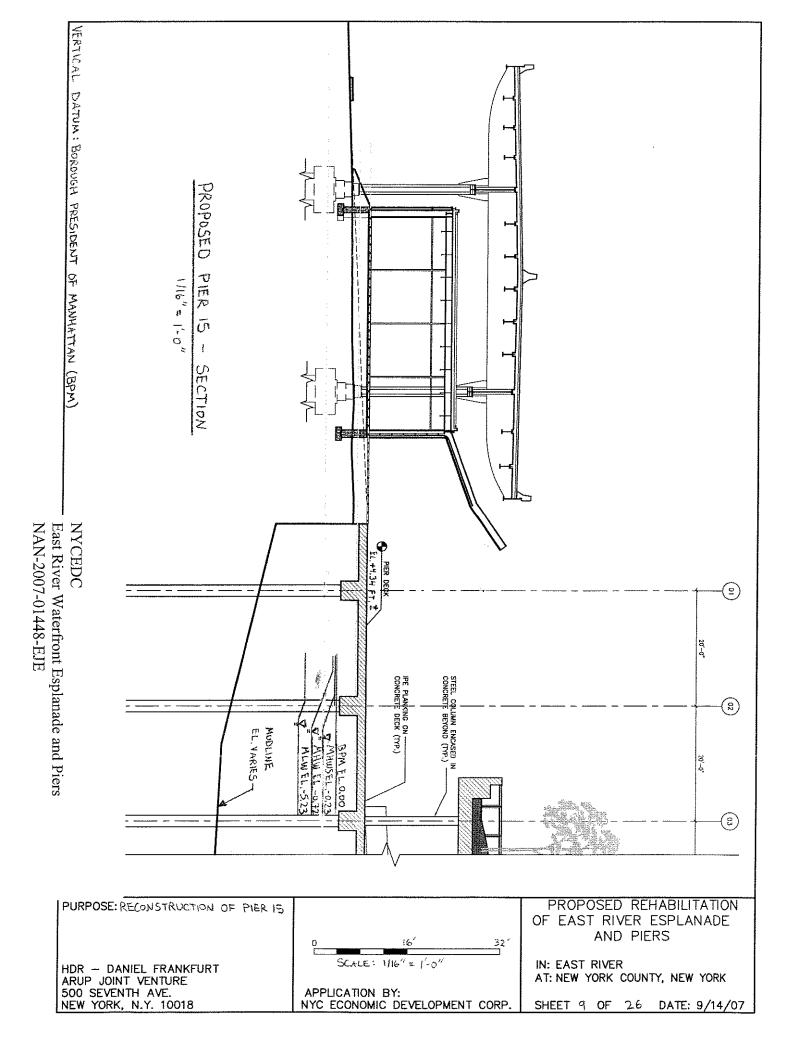


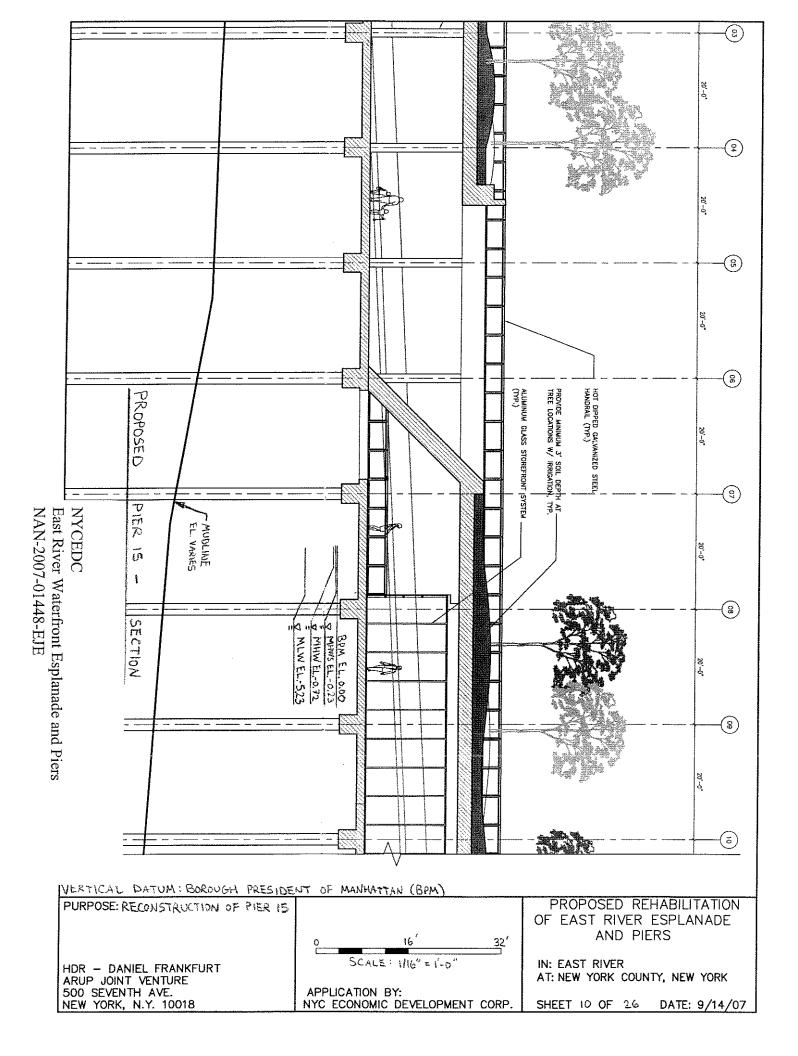


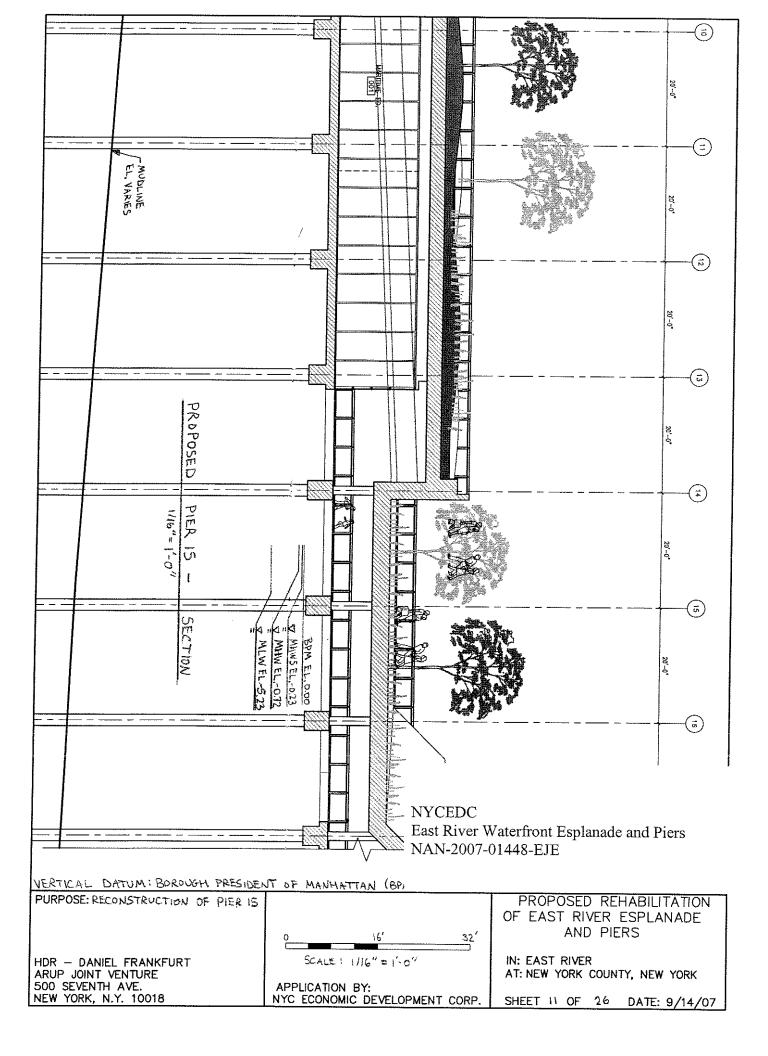
VERTICAL DATUM: BOROUGH PRESIDENT OF MANHATAN (BPM)

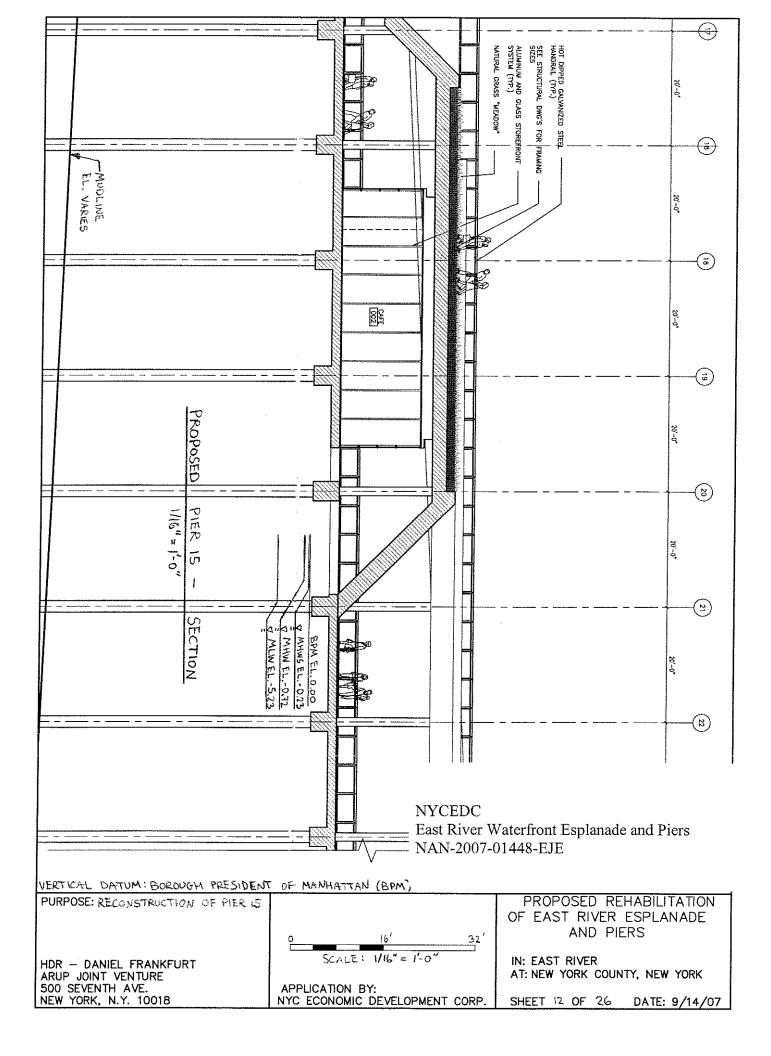


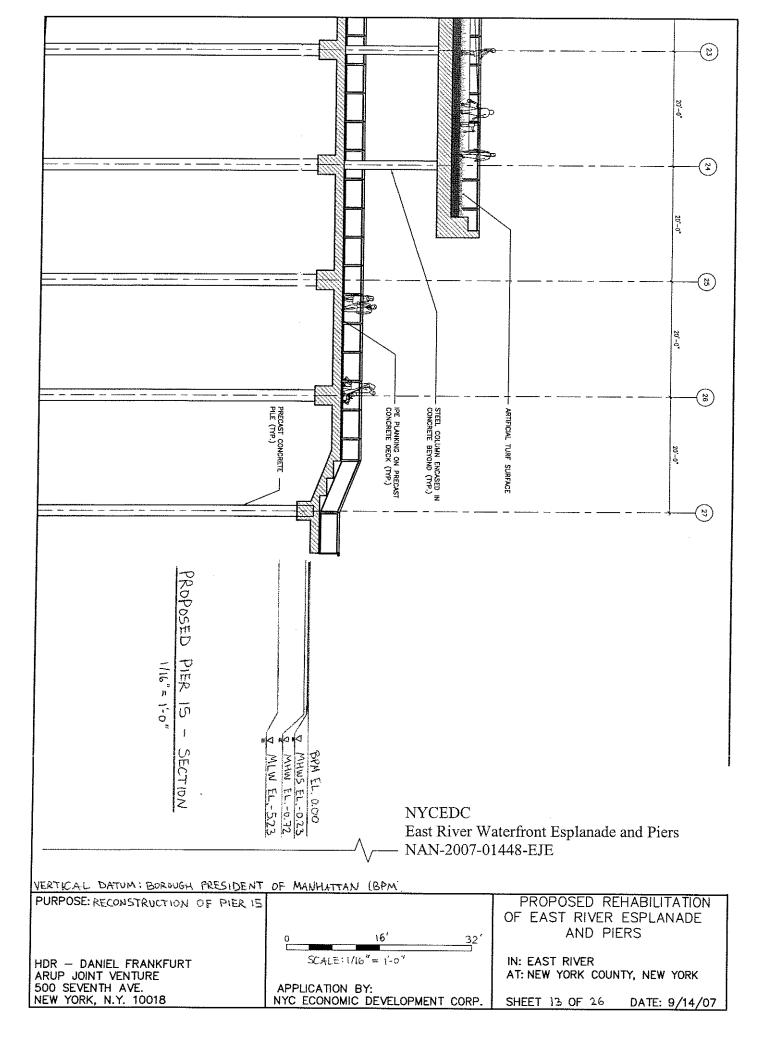


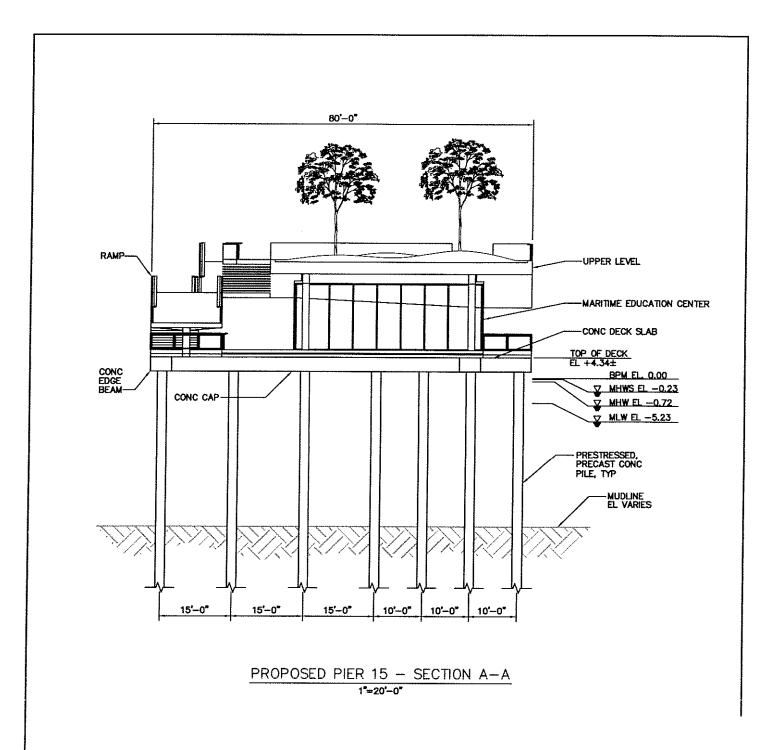






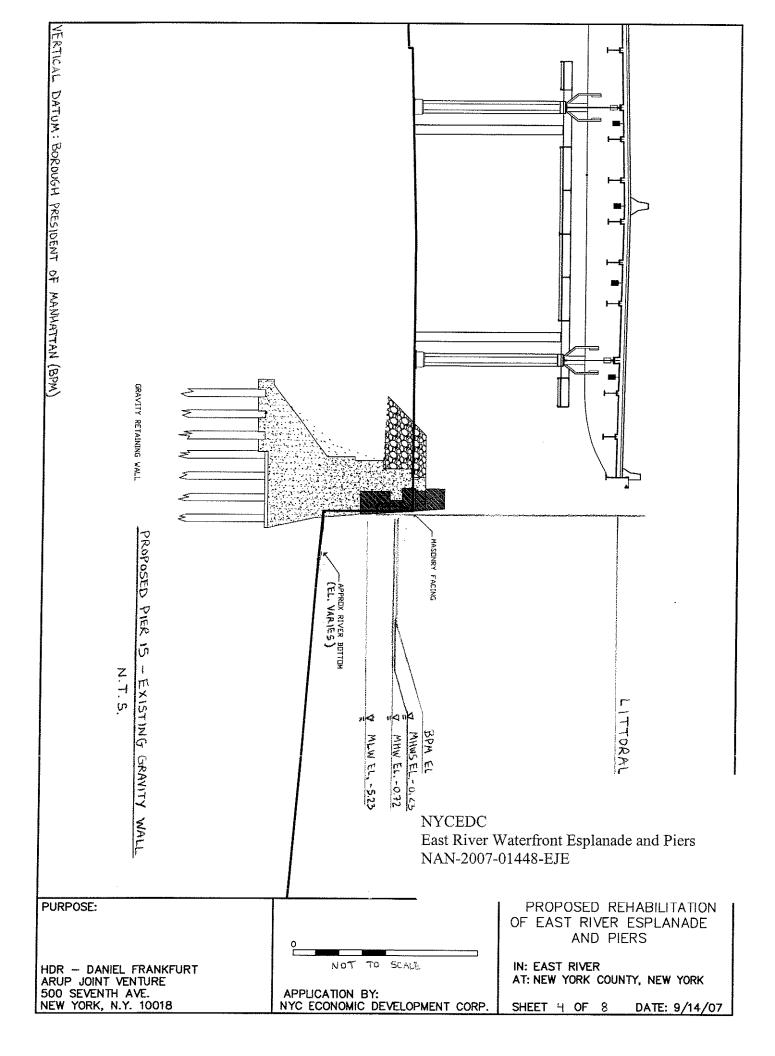


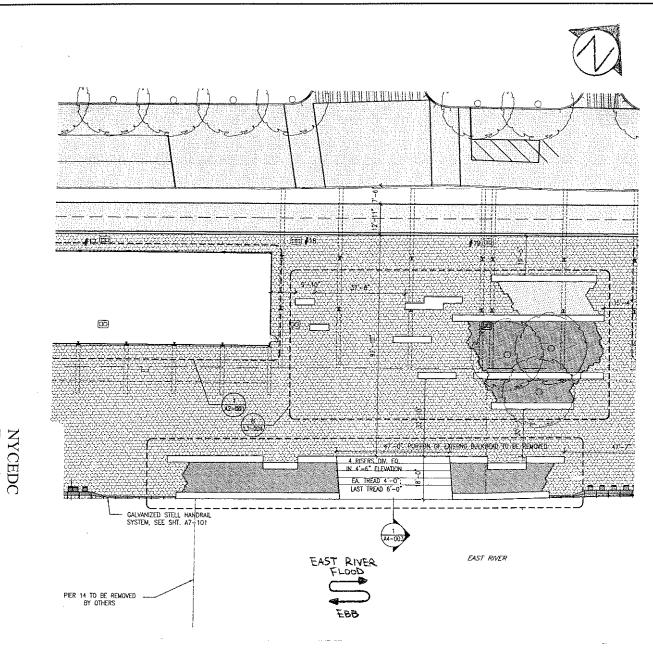




NYCEDC East River Waterfront Esplanade and Piers NAN-2007-01448-EJE

VERTICAL DATUM: BOROUGH PRESIDENT OF MANHATAN (BPM) PURPOSE: RECONSTRUCTION OF PIER 15 PROPOSED REHABILITATION OF EAST RIVER ESPLANADE AND PIERS HDR - DANIEL FRANKFURT ARUP JOINT VENTURE 500 SEVENTH AVE. NEW YORK, N.Y. 10018 PROPOSED REHABILITATION OF EAST RIVER AND PIERS IN: EAST RIVER AT: NEW YORK COUNTY, NEW YORK APPLICATION BY: NYC ECONOMIC DEVELOPMENT CORP. SHEET 14 OF 26 DATE: 9/14/07

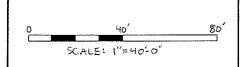




PROPOSED STEP DOWN AT MAIDEN LANE - PLAN

PURPUSE: MAIDEN LANE STEP DOWN

HDR — DANIEL FRANKFURT ARUP JOINT VENTURE 500 SEVENTH AVE. NEW YORK, N.Y. 10018



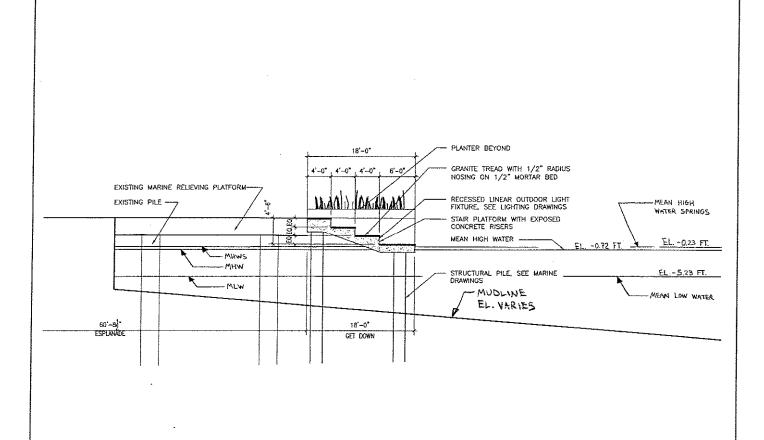
APPLICATION BY:
NYC ECONOMIC DEVELOPMENT CORP.

PROPOSED REHABILITATION OF EAST RIVER ESPLANADE AND PIERS

IN: EAST RIVER

AT: NEW YORK COUNTY, NEW YORK

SHEET 21 OF 26 DATE: 9/14/07



PURPOSE: MAIDEN LANE STEP DOWN

OF EAST RIVER ESPLANADE
AND PIERS

HDR - DANIEL FRANKFURT
ARUP JOINT VENTURE
500 SEVENTH AVE.
NEW YORK, N.Y. 10018

PROPOSE: MAIDEN LANE STEP DOWN

OF EAST RIVER
AND PIERS

IN: EAST RIVER
AT: NEW YORK COUNTY, NEW YORK

APPLICATION BY:
NYC ECONOMIC DEVELOPMENT CORP.

SHEET 22 OF 26 DATE: 9/14/07

VERTICAL DATUM: BOROUGH PRESIDENT OF MANHATTAN (BPM)

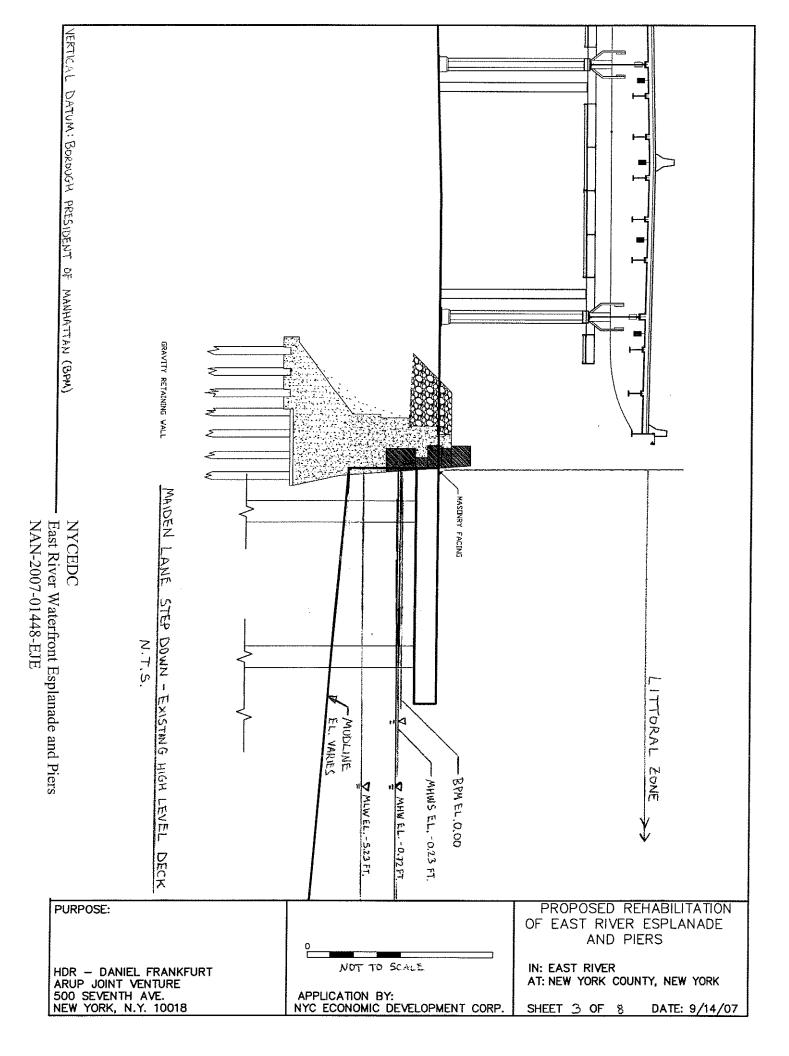
PROPOSED STEP DOWN AT MAIDEN LANE - SECTION

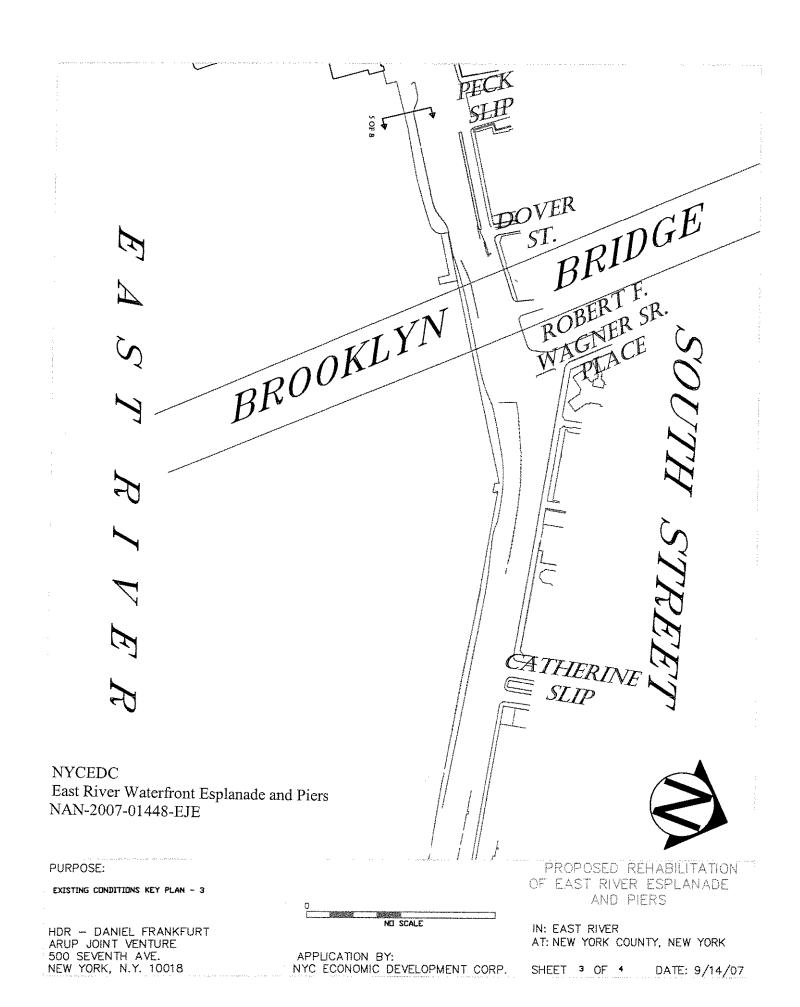
NYCEDC

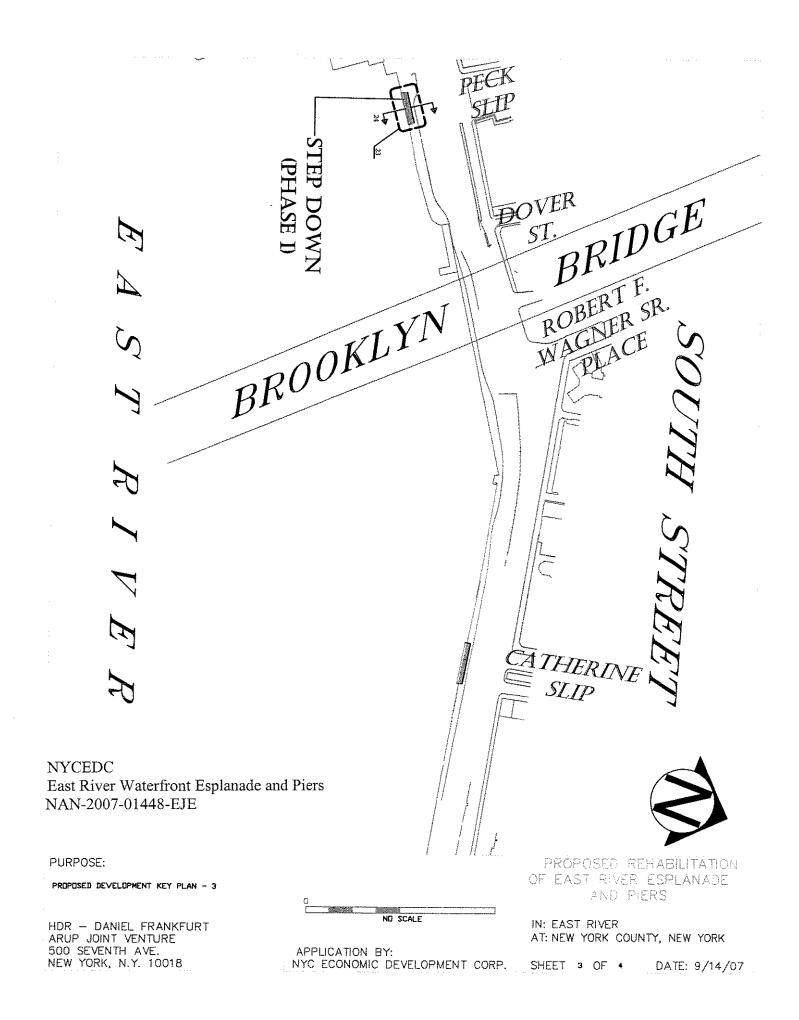
NAN-2007-01448-EJE

East River Waterfront Esplanade and Piers

1/16"= 1"



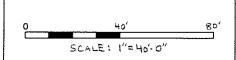




PROPOSED STEP DOWN AT PECK SLIP - PLAN

PURPOSE: PECK SLIP STEP DOWN

HDR - DANIEL FRANKFURT ARUP JOINT VENTURE 500 SEVENTH AVE. NEW YORK, N.Y. 10018



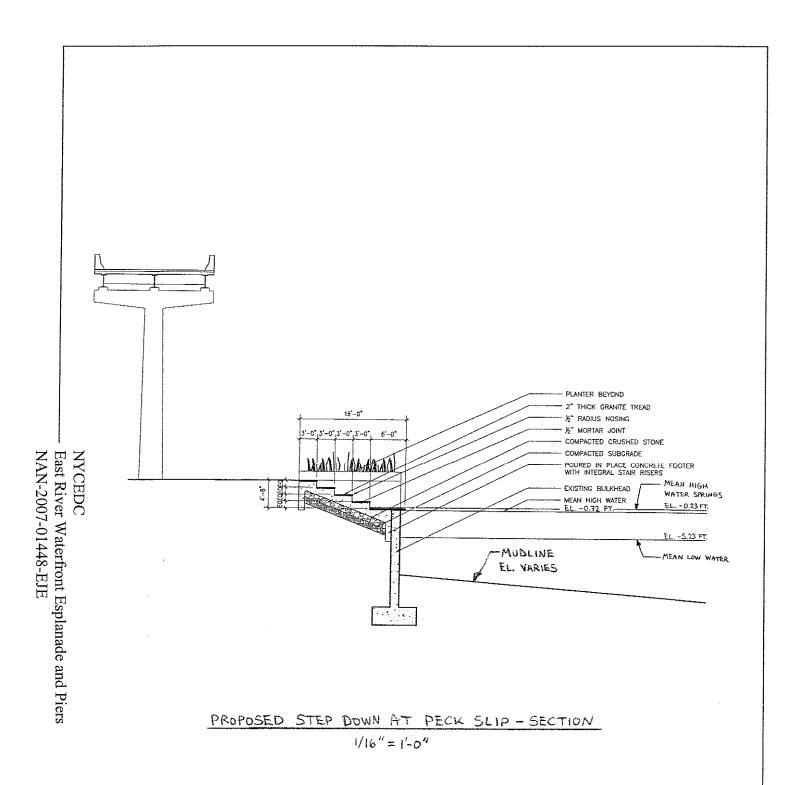
APPLICATION BY: NYC ECONOMIC DEVELOPMENT CORP.

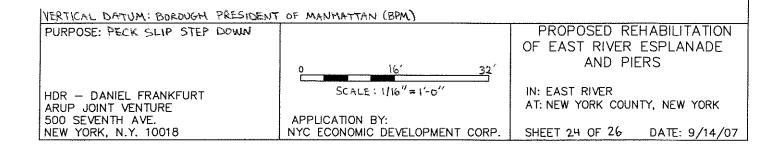
PROPOSED REHABILITATION OF EAST RIVER ESPLANADE AND PIERS

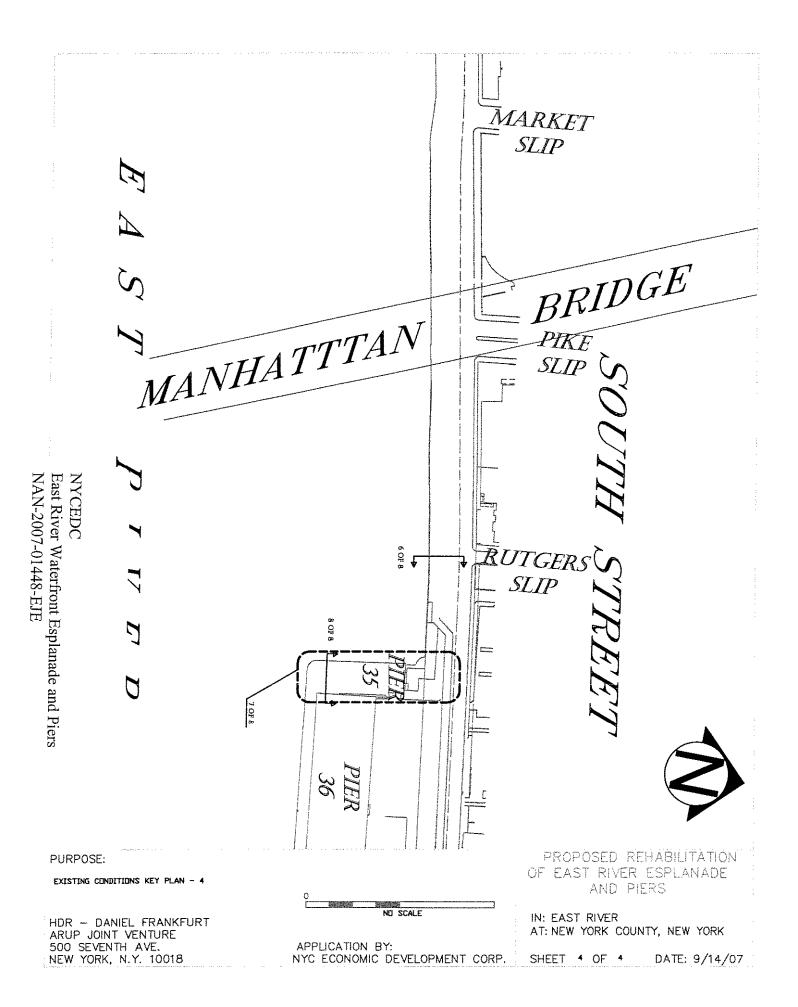
IN: EAST RIVER

AT: NEW YORK COUNTY, NEW YORK

SHEET 23 OF 26 DATE: 9/14/07







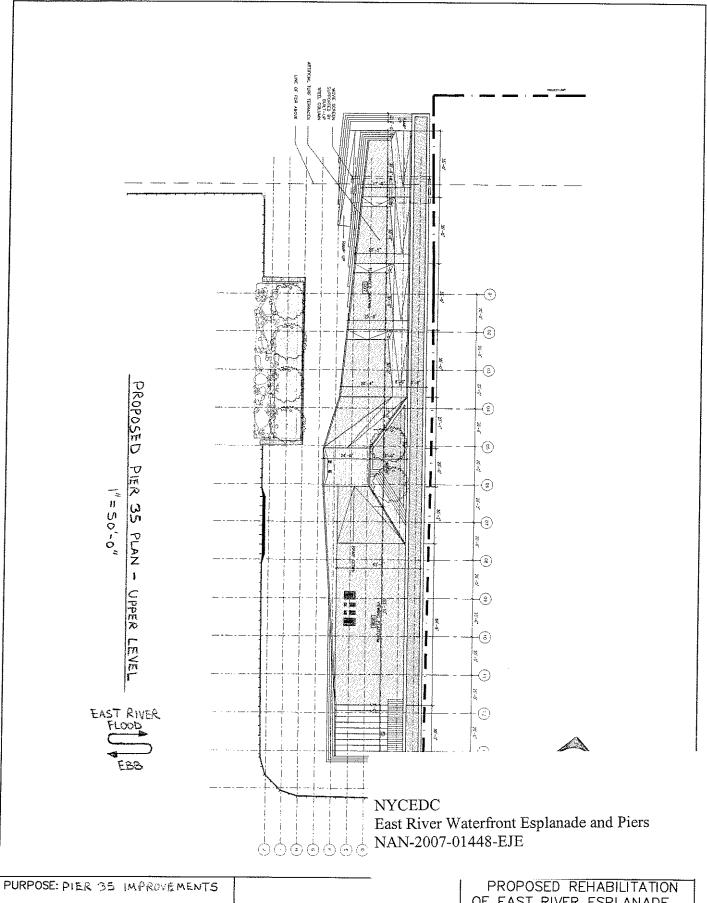
MARKET SLIP MANHATTTAN SLIP (PHASE I) NAN-2007-01448-EJE East River Waterfront Esplanade and Piers NYCEDC RUTGERS SLIP PURPOSE: PROPOSED REHABILITATION OF EAST RIVER ESPLANADE PROPOSED DEVELOPMENT KEY PLAN - 4 AND PIERS ND SCALE IN: EAST RIVER HDR - DANIEL FRANKFURT ARUP JOINT VENTURE AT: NEW YORK COUNTY, NEW YORK 500 SEVENTH AVE. NEW YORK, N.Y. 10018

APPLICATION BY:

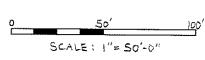
NYC ECONOMIC DEVELOPMENT CORP.

SHEET 4 OF 4

DATE: 9/14/07



HDR — DANIEL FRANKFURT ARUP JOINT VENTURE 500 SEVENTH AVE. NEW *YORK, N.Y. 10018

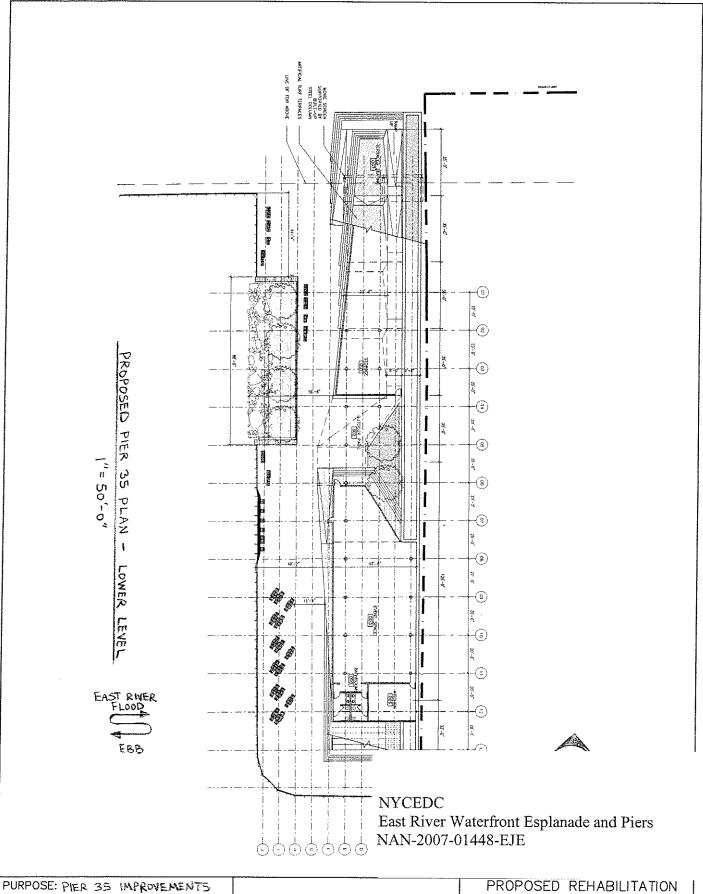


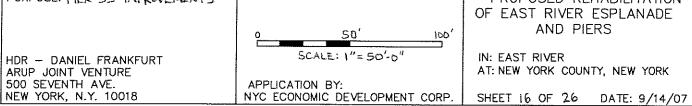
APPLICATION BY: NYC ECONOMIC DEVELOPMENT CORP. OF EAST RIVER ESPLANADE AND PIERS

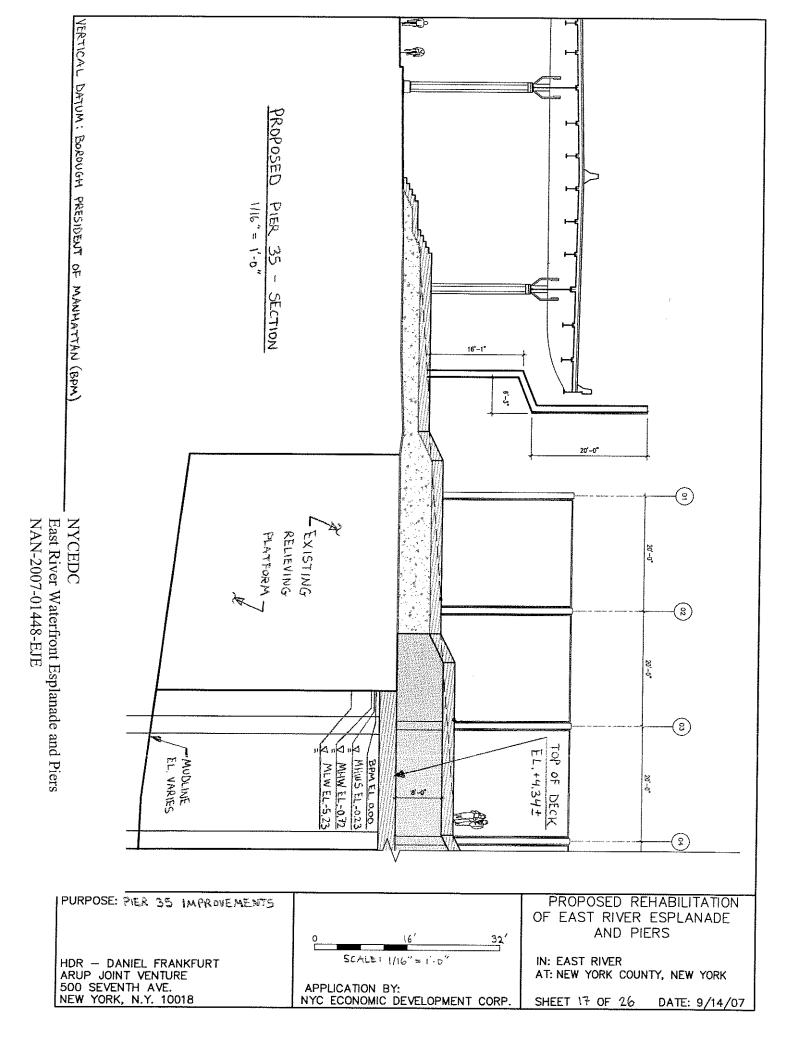
IN: EAST RIVER

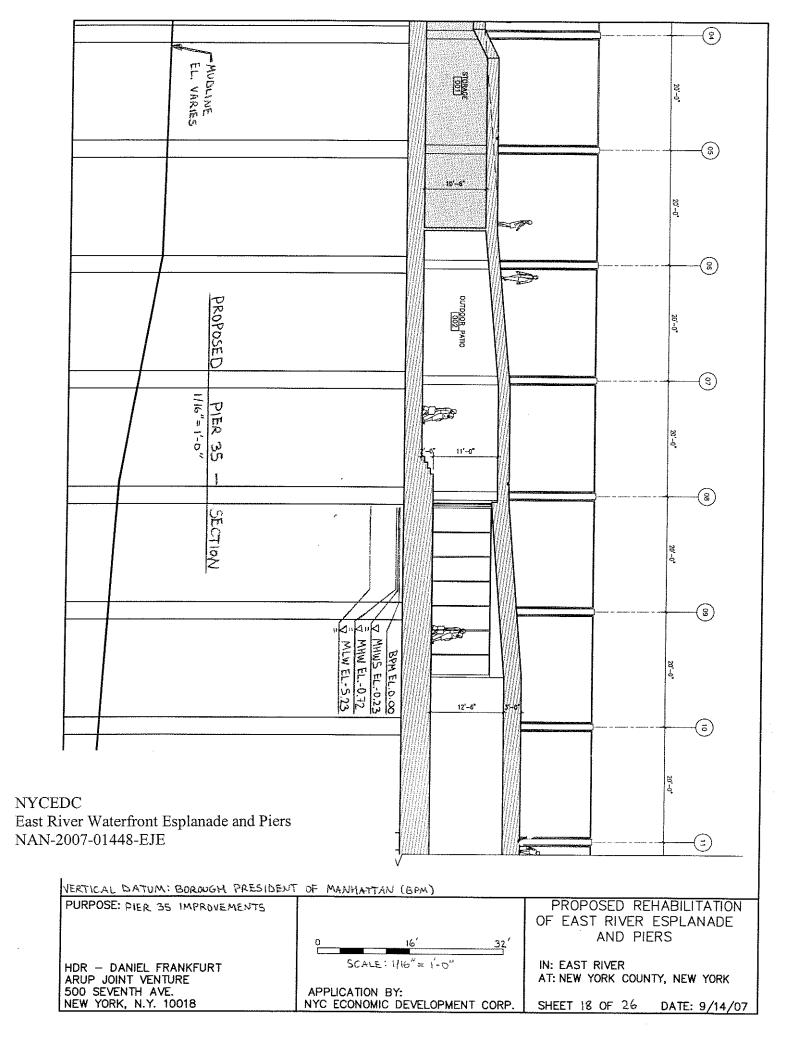
AT: NEW YORK COUNTY, NEW YORK

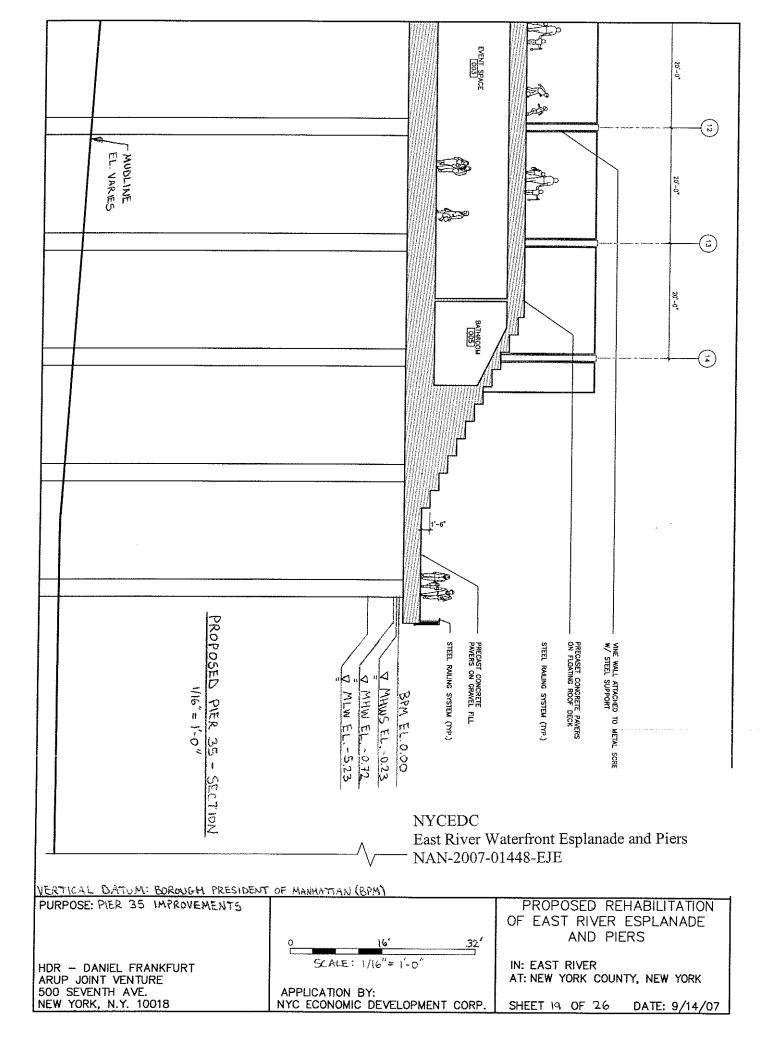
SHEET 15 OF 26 DATE: 9/14/07

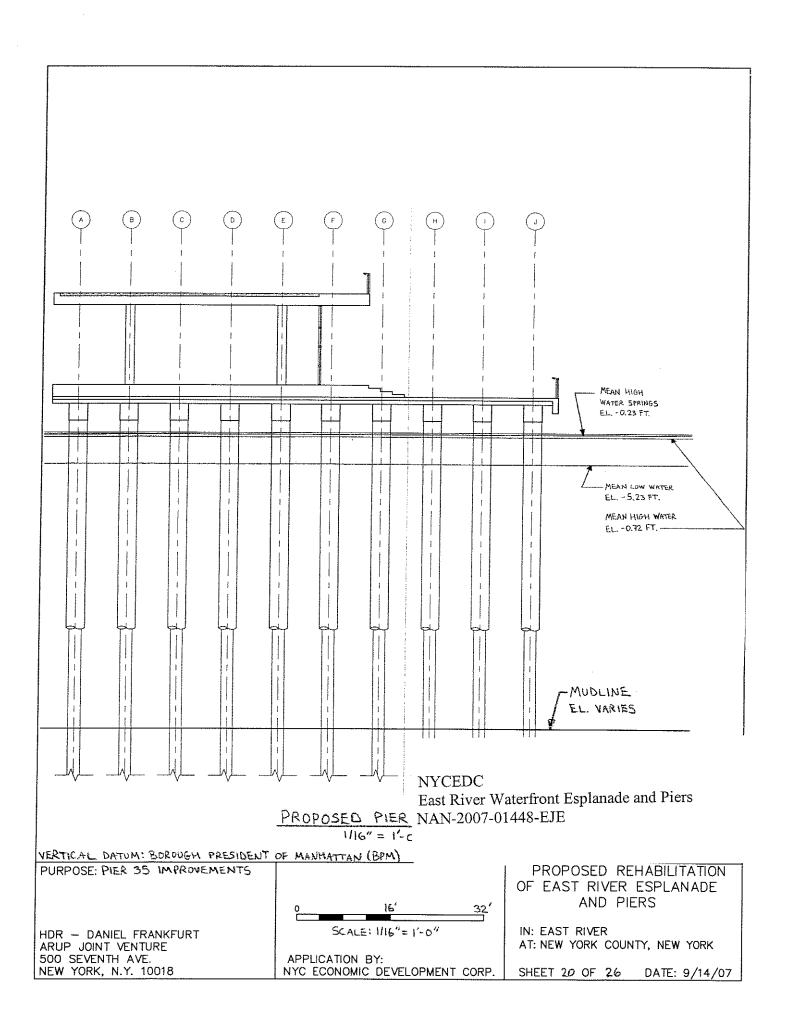


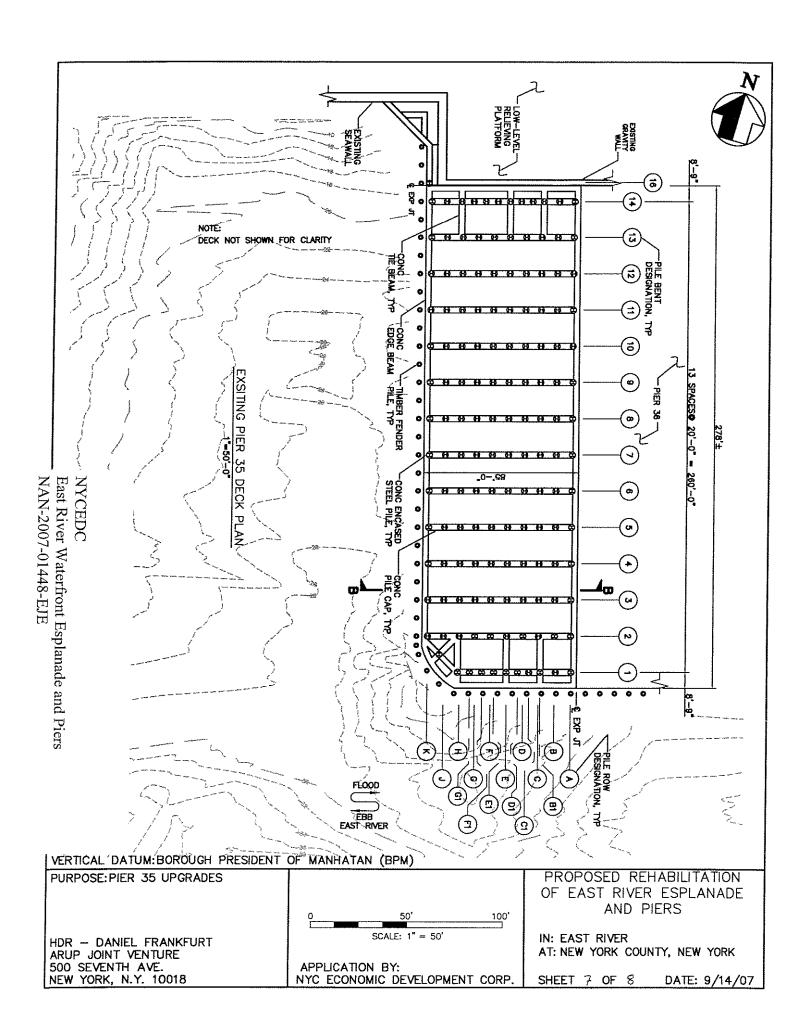


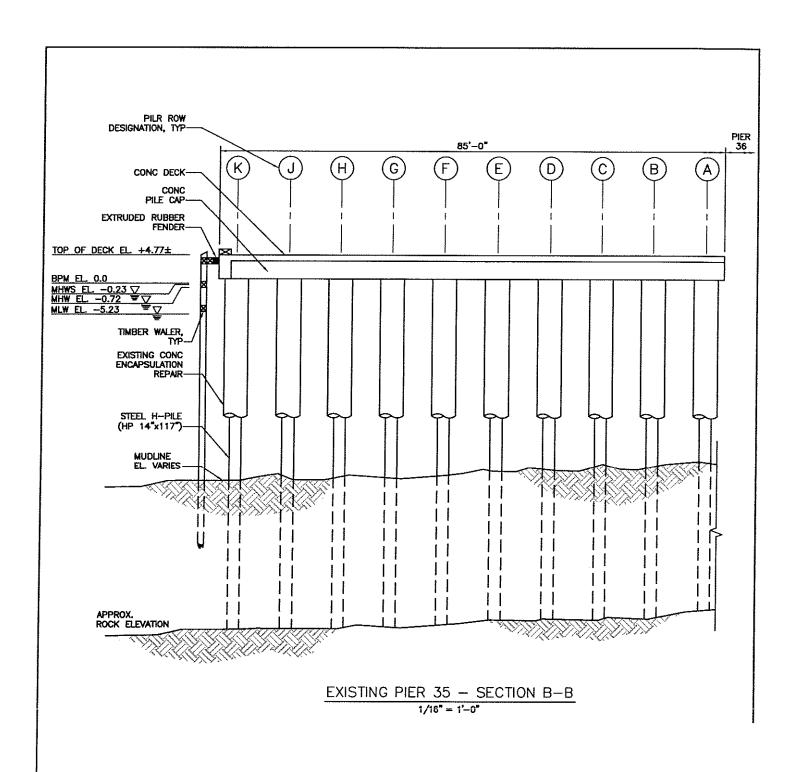




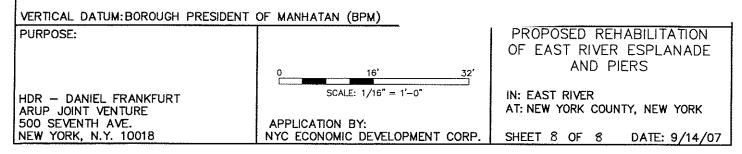


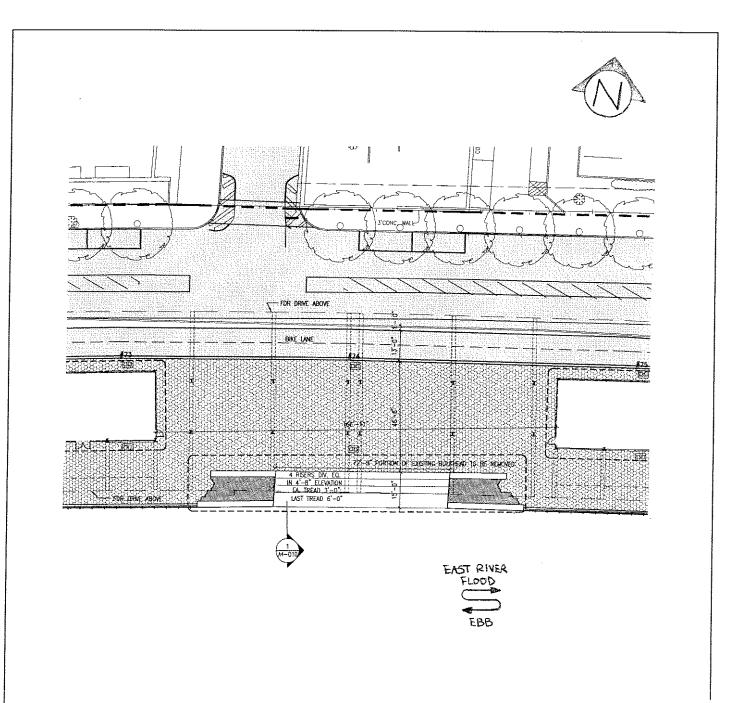






NYCEDC East River Waterfront Esplanade and Piers NAN-2007-01448-EJE





PROPOSED STEP DOWN AT RUTGE

1"=40'-0"

NYCEDC

East River Waterfront Esplanade and Piers NAN-2007-01448-EJE

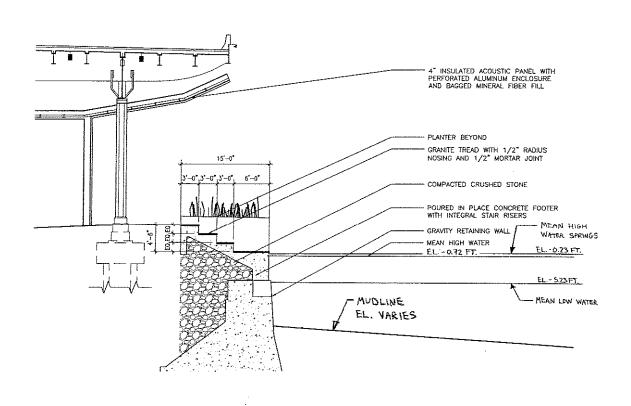
PURPOSE: RUTGERS SUP STEP DOWN

PROPOSED REHABILITATION
OF EAST RIVER ESPLANADE
AND PIERS

HDR - DANIEL FRANKFURT
ARUP JOINT VENTURE
500 SEVENTH AVE.
NEW YORK, N.Y. 10018

PROPOSED REHABILITATION
OF EAST RIVER
AND PIERS

IN: EAST RIVER
AT: NEW YORK COUNTY, NEW YORK
SHEET 25 OF 26 DATE: 9/14/07



PROPOSED STEP DOWN AT DIFFERENCE FEETING

NYCEDC East River Waterfront Esplanade and Piers NAN-2007-01448-EJE

VERTICAL DATUM: BORDUGH PRESIDENT OF MANMATTAN (BPM PURPOSE: RUTGERS SLIP STEP DOWN O 16' 32'

HDR — DANIEL FRANKFURT SCALE: 1/16"=1'-0"

ARUP JOINT VENTURE SOO SEVENTH AVE. APPLICATION BY: NYC ECONOMIC DEVELOPMENT CORP.

PROPUSED REHABILITATION OF EAST RIVER ESPLANADE AND PIERS

IN: EAST RIVER
AT: NEW YORK COUNTY, NEW YORK
SHEET 26 OF 26 DATE: 9/14/07

